IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19310 of 2007(W)

PETITIONER:

KOYPATHODY SAW MILL PVT.LTD., KALLAI, KOZHIKODE, REPRESENTED BY ITS DIRECTOR, P.K.AHAMMEDKUTTY, S/O.P.K.MAYIN, RESIDING AT KOYPATHODI BUNGALOW, NELLIKKODE, KOZHIKODE DISTRICT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOZHIKODE.

3. THE TAHSILDAR, KOZHIKODE.

BY SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-06-2007 THE COURT ON 22/06/2007 DELIVERED THE FOLLOWING:

S.SIRI JAGAN. J.

W.P.(C) No.19310 of 2007

Dated this the 22nd day of June 2007

JUDGMENT

Petitioner submits that, now, pursuant to an interim order in an earlier writ petition viz. 16803/2007(Ext.P3), Ext.P7 order has been passed after issuing notice to the petitioner, on a totally mis-conceived appreciation of the evidence produced by the petitioner . The petitioner challenges Ext.P7 order. I have heard the learned counsel for the petitioner as also the Government Pleader. Since Ext.P7 is an appealable order it is only appropriate that the petitioner seeks statutory remedies as provided under the Kerala Land Conservancy Act. However the petitioner expresses the apprehension that his building is likely to be demolished as mentioned in Ext.P2 and that only three days time has been granted for the petitioner can move the Appellate authority

In the above circumstances the writ petition is disposed of as follows:-

Petitioner is free to file an appeal against Ext.P7 order within two weeks from today and move for stay of further proceedings pursuant to Ext.P7 also. In order to enable the petitioner to do the same I direct that further proceedings pursuant to Ext.P7 shall be kept in abeyance for a period of three weeks.

S.SIRI JAGAN, JUDGE

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